DOCUMENT RESUME

ED 395 883 SO 026 419

AUTHOR	Sass, Charles R.
TITLE	Exploring Race and Affirmative Action. Teacher's Guide.
INSTITUTION	Close Up Foundation, Arlington, VA.
PUB DATE	96
NOTE	28p.; Matching videotape not available from ERIC.
AVAILABLE FROM	Close Up Publishing, 44 Canal Center Plaza, Alexandria, VA 22314 (30-minute videotape and this "Teacher's Guide": $59.95).
PUB TYPE	Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Affirmative Action; Citizenship Education; Civics; *Civil Liberties; *Constitutional Law; Discriminatory Legislation; Elementary Secondary Education; *Equal Protection; Instructional Materials; Law Related Education; Learning Activities; *Minority Groups; Racial Integration; *Racial Segregation; Social Studies; Teaching Methods; Thinking Skills; United States History
IDENTIFIERS	Close Up Program; Fourteenth Amendment; *United States Constitution

ABSTRACT

Designed to help students better understand the controversial issue of affirmative action, this teacher's guide supplements the thirty-minute instructional videotape of the same name. The videotape explores the history of affirmative action in the United States, including its successes, failures, and future. The videotape and the teacher's guide should help students to: (1) trace the history of the civil rights movement and the development of affirmative action; (2) understand the goals of affirmative action and the program's implications for Americans; (3) compare and contrast the perspectives and viewpoints Americans have about affirmative action; and (4) develop informed opinions about affirmative action. The guide contains four activities that involve class discussions and small-group work. Student handouts are provided. The active learning approach encourages students to go beyond recognition or knowledge of facts to begin analyzing, synthesizing, and evaluating the issues and concepts being studied. (LH)

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EXPLORING RACE AND AFFIRMATIVE ACTION

TEACHER'S GUIDE

SO 026 419

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Exploring Race and Affirmative Action

Teacher's Guide

DEVELOPED BY CHARLES R. SASS

CLOSE UP FOUNDATION

CLOSE UP PUBLISHING

Close Up Foundation

The Close Up Foundation is a nonprofit, nonpartisan organization that teaches responsible participation in the democratic process through educational programs and publications in government and citizenship. Since its founding in 1970, Close Up has developed new and better ways for young people, educators, and a widening circle of citizens of all ages to gain a practical understanding of how public policy affects their lives and how individual and collective efforts affect public policy. For more information on Close Up's Washington-based government studies programs, call 800-CLOSE UP.

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TO THE TEACHER

Today, one of the "hot topics" of conversation and debate among the American people and the officials they have elected is affirmative action. Affirmative action programs were established to address the exclusion of Americans from jobs or schools because of their race or gender. Nearly everyone has an opinion. Some say affirmative action programs are discriminatory in themselves, do not work, and should be eliminated. Others think that affirmative action efforts have been successful and need to be retained until all vestiges of racism and sexism have disappeared from American life.

Questions abound: Is it possible to remedy the effects of past discrimination? Should Americans even try? Who has been helped by affirmative action? Who has been hurt? Has U.S. society finally moved forward to the point where affirmative action programs are now obsolete? What should Congress and the president do? What should the courts do? Close Up Television and Close Up Publishing have developed this video and teacher's guide to address these questions.

ABOUT THE VIDEO

Exploring Race and Affirmative Action is a thirty-minute videotape that explores the history of affirmative action in the United States and examines its successes, failures, and future. Close Up brought together four young Americans to discuss race and affirmative action and to interview lawyers, journalists, and activists to find out what they think about the subject. The viewer will see historical scenes from the civil rights movement, hear the opinions of presidents and members of Congress, and find out what ordinary young citizens and prominent experts have to say about programs that were designed to fight discrimination in hiring and education.

ABOUT THE TEACHER'S GUIDE

This guide is designed to help your students investigate and better understand the controversial issue of affirmative action. The guide has four activities, which should be used at different points in the lesson. You should conduct Activities 1 and 2 before showing *Exploring Race and Affirmative Action*. Activity 1 provides students with historical background on affirmative action and how it came into being. Activity 2 will help students understand controversies surrounding the issue and compare differing viewpoints. Activity 3 helps students be aware of the important points to watch for while viewing the video. Postviewing Activity 4 will further your students' understanding of affirmative action. The activities are as follows.

- **Activity 1:** History of Affirmative Action
- **Activity 2:** Introducing the Video
- **Activity 3:** Viewing the Video
- **Activity 4:** Examining Arguments

These activities employ student handouts, which you can photocopy. The guide also provides you with additional suggestions for activities to enrich the lesson and help make this a successful and rewarding learning experience. You can use the teaching strategies and activities in the guide a variety of ways. Feel free to develop or adapt the activities to suit your teaching style, the needs of your students, and the amount of time you have to cover each topic.

GOALS

This videotape and the teacher's guide should help students:

- trace the history of the civil rights movement and the development of affirmative action
- understand the goals of affirmative action and the program's implications for Americans
- compare and contrast the perspectives and viewpoints Americans have about affirmative action
- develop informed opinions about affirmative action

STUDENT ACTIVITIES

The activities are designed to provide a variety of educational experiences for your students. Rather than following a traditional lecture format, these activities call for class discussions and small-group work. This active learning approach encourages students to go beyond mere recognition or knowledge of the facts to begin analyzing, synthesizing, and evaluating the issues and concepts under study.

TIPS ON LEADING EFFECTIVE CLASS DISCUSSIONS

All of the activities in this guide include some class discussion. Following these procedures will increase the effectiveness of your discussions.

Structure class discussion to involve the entire class; avoid creating a dialogue between the teacher and a few students. Make a special point of encouraging students to speak directly to one another rather than to you.

Sequence your questions from those that require simple factual recall to those that demand more complex analysis. Use Bloom's Taxonomy to help you develop your questions. Questions that ask students to list or identify are useful because they promote class participation and allow students to answer questions correctly. But such questions do not provoke analysis. A factual recall question such as "Who delivered the 'I Have a Dream' speech?" should be followed by a more thought-provoking question like, "To what was Dr. King referring when he said, 'I have a dream'?"

Incorporate "wait time" into your discussion periods. You should wait for all students to respond to a question; if they cannot respond successfully, rephrase the question and try again.

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HISTORY OF AFFIRMATIVE ACTION

OBJECTIVES

After completing this activity, students will be able to:

- define affirmative action
- summarize the history of the civil rights movement and the development of affirmative action programs
- list arguments for and against affirmative action

PROCEDURES

❶ Begin by writing the following quotation on the board.

> ***Freedom is not enough. You do not take a person who has been hobbled by chains and liberate him, bring him to the starting line of a race, and then say 'You are free to compete with all the others,' and still justly believe that you have been completely fair.***

What do your students think this quote means? To which group of people is the speaker referring? Why is freedom not enough? Why does the speaker think it is not "completely fair" to give people freedom from chains and then make them compete with all others? Do students agree with the quote? Why or why not?

Explain to the class that President Lyndon Johnson spoke these words in a speech at Howard University in which he was announcing federal affirmative action policy. Urge students to keep Johnson's quote in mind as they learn more about the history and definition of affirmative action.

Ask them to be alert for definitions of affirmative action by various speakers throughout the video. At the end of the lesson, you might want to revisit President Johnson's quote and ask students if the words now mean something more to them or are now easier to understand.

❷ Next, distribute and ask students to read **Student Handout 1—History of Civil Rights and Affirmative Action**. After they have finished reading, ask them to work alone or with a partner for ten to fifteen minutes to answer the questions at the end of the handout. Then, lead a class discussion based on their responses.

❸ Conclude by telling students that they are soon going to watch a video about affirmative action. They should keep in mind information they learned in this activity while watching the video.

ADDITIONAL SUGGESTIONS

❶ Affirmative action is frequently discussed and mentioned in the news. Ask students to look for and copy or clip newspaper or magazine stories or op-ed pieces regarding the topic. They should bring their articles to class and briefly introduce them before pinning the articles to a bulletin board. Discuss some of the stories as they come in. Try to get students to see the point of the story and why the writer has that point of view. You might want to divide your bulletin board into three columns, with articles and opinion pieces favoring affirmative action in one column, articles opposing affirmative action in another column, and news pieces without a distinct slant or bias in the third column.

❷ Several famous people and historical events are mentioned in **Student Handout 1.** For a research project, ask students to select one of the following, and prepare a paper or oral presentation based on the additional information they have gathered about their subject. Possible topics include:

- Jim Crow laws and "separate but equal"
- NAACP
- Earl Warren
- Little Rock Nine
- Rosa Parks
- Martin Luther King, Jr.
- March on Washington (1963)
- Civil Rights Act of 1964
- Alan Bakke

INTRODUCING THE VIDEO

OBJECTIVES

After completing this activity, students will be able to:

- define the terminology of race and affirmative action
- identify differing perspectives regarding affirmative action
- compare and contrast differing views about affirmative action

PROCEDURES

❶ To introduce the video, write the following words and terms on the board. Explain to students that they will hear these words and phrases in the video and that they need to be familiar with their meanings. Spend a few minutes talking about each item, but it is not necessary to get into the fine points of what each means. Knowing a little more about each of these terms will make it easier for students to understand what certain speakers are discussing.

- racism
- discrimination
- reverse discrimination
- meritocracy
- role model
- compensation
- entitlements
- quotas and timetables

Later, while they are watching the video, students will be asked to indicate on a handout the opinions of certain speakers about several of these terms. Caution them to stay alert for such mentions.

❷ Before showing the video, distribute **Student Handout 2—Race and Affirmative Action: What Do You Think?** Tell your students that the quotes on this handout have been taken from the videotape and are representative of views expressed by individuals who appear in the video. Give students five to ten minutes to complete the handout. Then, review their responses in a class discussion. Encourage students who have opposing opinions to explain their positions. Discuss each quote and average the score for each item to get an idea of where the class stands. Write the averages on the board. Urge students to listen for the quotes while they are watching the video.

Tell your class that later, after they have seen the video and discussed the topic more thoroughly, they will get another chance to review the quotes listed on **Student Handout 2** to see if anyone has changed his or her mind.

Note to Teacher: Speakers are

(1) Bob Adams
(2) Nikki Horberg
(3) Jamal Watson
(4) Kevin Pritchett
(5) Watson
(6) Pritchett
(7) Pritchett
(8) Cecelie Counts Blakey
(9) Adams
(10) Horberg
(11) Watson
(12) Ralph Neas
(13) Robert Woodson
(14) President Clinton
(15) Robert Novak
(16) Neas
(17) Novak
(18) Pritchett
(19) Blakey
(20) Woodson

If you are going to do Activity 3, you should not tell students the speaker of each quote until after using **Student Handout 3.**

ADDITIONAL SUGGESTIONS

❶ Polls seem to show that many Americans are dissatisfied with their jobs and worried about the future. Many people say they are working harder merely to stay even financially. Dissatisfied people mention many reasons for their concerns: big government, free trade, high taxes, poor education, and in some cases, affirmative action policies that they believe may have kept them from getting a job or a promotion or from being admitted to the college of their choice. The strong Republican showing in the 1994 congressional elections has been attributed in part to "angry white males" who voted for candidates who said they would come to Washington and reverse the liberal social policies established by past Democratic-controlled Congresses.

It may be interesting to your class to find out how members of students' families or friends feel about affirmative action. Give your students additional copies of **Student Handout 2** to use as a polling instrument for family and community members. Urge them to jot down responses from outsiders regarding affirmative action as they are reacting to the quotes on the handout. Then, build a class discussion on the results of the outside poll. Do the results match the attitudes of the class members? Can students identify people in their families or community who tend to favor affirmative action? Can they identify opponents? Is there evidence of the "angry white male" in their community?

VIEWING THE VIDEO

OBJECTIVES

After completing this activity, students will be able to:

- speculate on attitudes toward affirmative action based on stereotypes
- examine individual attitudes about race, meritocracy, and affirmative action
- discuss why Americans often hold strong opinions about affirmative action based on personal experiences

PROCEDURES

❶ Just before you show the video, distribute **Student Handout 3—Biographies and Opinions.** Explain to students that the eight persons listed on the handout all play active roles in the video. Give the class ten minutes to read the biographies and check either "Yes" or "No" for each of the two statements that follow each bio. Assure students that they are merely guessing about each person's opinion on affirmative action based on a small amount of information learned from the biographical paragraph, and that they will not be evaluated on their guesses.

❷ After student have responded to the questions on **Student Handout 3,** show the video. Use your own judgment about stopping and starting the video or showing it all the way through. The video is not divided into parts; there are no natural or built-in breaks, but you can pause at any point.

❸ After the class has seen the video, turn to **Student Handout 3** once again. Focus on each of the eight panel members and experts and, with a show of hands, ask students to disclose their guesses about the two statements following each name. Try to find out what caused them to guess in the way they did. For example, did they speculate that Kevin Pritchett would favor affirmative action and say he was a victim of racism because he was an African American? Or that he was opposed to affirmative action because he worked for a conservative Republican senator? Conclude the discussion about each of the subjects on the handout by asking the class where this person actually does stand on the issue.

Then ask students how many guessed wrong. What might a large number of wrong guesses say about American society? Point out to students that their guesses may not actually have been too far off the mark from national averages. Polls show that more than half of all white Americans believe that affirmative action is no longer needed, while 80 percent of African Americans think the opposite.

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❹ Turn students' attention again to **Student Handout 2—Race and Affirmative Action: What Do You Think?** Read each quote aloud and ask students if, after seeing the video, anyone now has a different opinion. Ask any students who do have a different opinion what caused them to change. Disclose the name of the speaker of each quote, before moving on to the next quote. Which speakers were the most persuasive? Which were the most surprising? Why were they surprising?

❺ Two subjects discussed at length in video by the four young panelists are racism and meritocracy. Several of the quotes on **Student Handout 2** speak to those issues. Ask your students to define racism. Do they agree with Jamal Watson or do they agree more with Nikki Horberg or Bob Adams? Do your students think there is a meritocracy in the United States? Does meritocracy work? Is meritocracy a myth, as Cecelie Counts Blakey contends? Or is it "what America is about," as Bob Adams says?

Conclude by bringing the discussion back to affirmative action. Does racism make affirmative action imperative in the United States? Or should merit alone be the criteria for hiring or admission?

ADDITIONAL SUGGESTIONS

❶ Ask each student to interview a person in their community or school who thinks he or she has been helped by affirmative action. Remind your class that affirmative action applies to women as well as minorities. They may know of someone in their families or they may have to turn to other sources. Perhaps a teacher or administrator in their school, a college professor in their city, a professional person like a doctor, lawyer, or veterinarian, a college student, and so forth. Students should prepare a list of questions before the interview and hold the interview to a time limit.

After gathering their information, students should write a summary, explaining their subjects' backgrounds, their accomplishments, and why they think they were beneficiaries of affirmative action. Ask students to read their summaries aloud in class.

❷ As an accompanying activity for the interview in **Additional Suggestion 1,** ask students to interview a person in the community who thinks he or she has been harmed by affirmative action. Interviews and reports should be handled the same way.

To extend these two activities, it might be interesting to invite a speaker from each side to talk to your class about how they were helped or harmed by affirmative action.

EXAMINING ARGUMENTS

OBJECTIVES

After completing this activity, students will be able to:

- compare and analyze differing opinions about affirmative action
- express their own opinions regarding affirmative action
- debate affirmative action and the California Civil Rights Initiative
- analyze both sides of a discrimination case and draw a conclusion

PROCEDURES

❶ Distribute **Student Handout 4—Two Views on Affirmative Action.** The two opinion pieces are from the editorial page of *USA Today*. This newspaper's editorial board gives an opinion on a controversial topic daily, and asks those with opposing viewpoints to respond. Give students adequate time to read the handout in or out of class. Or, you may want them to take turns reading aloud.

After students have finished reading, lead a discussion about the two opinion pieces. Which essay do students think presents the stronger arguments? Why? What are some of each essay's main points? Who is Armstrong Williams? Why do you suppose his opinion is different from the opinion of *USA Today*?

❷ In his editorial, Armstrong Williams mentions the attempt by petitioners in California to place on the 1996 ballot, an initiative called the California Civil Rights Initiative (CCRI). The CCRI reads:

> ***Neither the state of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity, or national origin as a criterion for either discrimination against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education, or public contracting.***

Begin the lesson by writing the text of the CCRI on the board, or handing out a copy. Ask students what they think the statement means. How many agree with it? How many disagree? Although polls showed that 58 percent of all Californians supported the proposal, the requirement of 690,000 signatures made the task of getting the CCRI on the ballot difficult. However, on February 21, 1996, supporters presented petitions containing more than a million signatures to California Governor Pete Wilson, thereby placing the initiative on the November 1996 ballot.

Regardless of the petition's outcome in the November election, the million signatures and votes in its favor are powerful illustrations of the divisiveness caused by the issue of affirmative action.

❶ A good way to conclude the lesson on affirmative action might be to place students in the position of decisionmaker. Relate affirmative action to the American belief in equality of opportunity. Discuss with students whether racial and ethnic groups and women who have been victims of discrimination should be compensated in some way by the government. Then, distribute **Student Handout 5—Discrimination Case Rulings: Right or Wrong?** Allow enough time for students to consider each situation. Then discuss the issues raised in the handout. The following questions may help you lead the discussion:

- If you support affirmative action for an African American or Hispanic American in any of the cases, would you support it for a white American who has a low income and attended a bad school?
- Do American minorities who do not come from low-income families or who did not go to bad schools have a moral claim against society because their ancestors were oppressed?

Encourage debate on each case, and remind students that emotion alone is not an adequate basis for argument. What conclusion can students draw from this discussion? Why is this an emotional issue? Relate the discussion in class to a debate Congress may have on affirmative action, quotas, and civil rights.

ADDITIONAL SUGGESTION

❶ Organize debates around the issues of affirmative action and the California Civil Rights Initiative. Divide your class into several teams that will debate issues from opposite sides. Organize as many debates as manageable, in a way that works well for your situation. Choose from the following debate statements.

- Affirmative action has been good for America.
- Affirmative action leads to reverse discrimination.
- Affirmative action has been the remedy for violation of civil rights laws.
- Affirmative action was necessary once, but is no longer needed.
- Affirmative action helps professional and unionized workers, but does little to help low-income, low-skilled people.
- Californians should vote the CCRI into law.
- Affirmative action leads to quotas in hiring and admissions.

Give students time to research topics. You may want to appoint a panel of judges for each debate or allow the whole class to judge the "winner." After each debate, ask the class which side they thought was most persuasive and why. Discuss the strongest arguments made by each side.

Were student swayed by emotional appeals or by arguments based on facts? Did the arguments change anyone's opinion or attitude toward affirmative action?

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HISTORY OF CIVIL RIGHTS AND AFFIRMATIVE ACTION

The equal protection clause of the Fourteenth Amendment to the U.S Constitution says: ". . . no state shall . . . deny to any person within its jurisdiction the equal protection of the laws."

According to Justice William Brennan, the Fourteenth Amendment gave Americans "a brand new Constitution after the Civil War." It not only extended citizenship to former slaves, it promised them equal treatment under the law. Section 1 of the amendment has had the most lasting significance in constitutional law. It provides that no person shall be denied "equal protection of the law" (protection from unreasonable discrimination). This right has been the basis of many twentieth-century cases in constitutional law.

EQUAL PROTECTION

The Equal Protection Clause of the Fourteenth Amendment forbids unreasonable discrimination. All laws discriminate in some fashion; a law forbidding burglary discriminates against burglars, for instance. But under the Equal Protection Clause, a law must have a good reason for treating people differently, especially if it discriminates on the basis of race or gender. Since the Equal Protection Clause only applies to the states, the Supreme Court has ruled that the Due Process Clause of the Fifth Amendment also prohibits unreasonable discrimination by the national government.

RACIAL DISCRIMINATION

Despite the Fourteenth Amendment, the Supreme Court for many years upheld racial segregation, arguing that separate facilities for white and black Americans could still be equal before the law. But during the 1950s, the Court reversed its position, striking down segregation in education and other areas of public life. Resistance to the Court's actions was great, however, and only a grassroots movement of thousands of Americans finally ensured that African Americans would enjoy "equal protection of the laws" in reality, not just in court decisions.

Separate but Equal. In the late nineteenth century, many southern states passed "Jim Crow" laws, named for a minstrel show character. These laws strictly segregated blacks from whites in schools, restaurants, streetcars, hospitals, and cemeteries. In *Plessy v. Ferguson* (1896), the Supreme Court upheld a Louisiana law that required segregated railroad cars. The Court ruled that as long as the facilities for blacks and whites were equal, segregation did not violate "equal protection of the laws," a doctrine that became known as "separate but equal." In fact, segregated facilities for African Americans were seldom equal to those for whites. In education, particularly, black schools were vastly inferior to white schools.

The Next Step. In several cases across the country, the National Association for the Advancement of Colored People (NAACP) sought to overturn segregated public schools. In *Brown v. Board of Education of Topeka, Kansas* (1954), the Court overturned *Plessy v. Ferguson*. Chief Justice Earl Warren, writing for the unanimous Court, declared: "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

"All Deliberate Speed." Integrating the nation's public schools was an enormous task. The Supreme Court held hearings on how to implement its decision in *Brown*, and in 1955 ruled that desegregation was to begin "with all deliberate speed." However, many school districts were more deliberate than speedy.

In Little Rock, Arkansas, schools were still not integrated three years after the *Brown* decision. When nine black students sought admission to Little Rock's Central High School in the fall of 1957, a federal judge ordered they be admitted. However, Governor Orval Faubus ordered that the Arkansas National Guard surround the school to prevent integration, citing threats of violence. Faubus removed the troops under a

federal court order, but a mob threatened the "Little Rock Nine" when they enrolled. President Dwight Eisenhower then sent in U.S. Army troops to ensure the safety of the students.

Like the Little Rock schools, other school districts across the South resisted integration. It was not until 1969 that the Supreme Court ruled that school were to be integrated immediately. The Court also struck down segregation in other areas besides education—including recreational facilities, transportation, and prisons and jails—and it overturned laws barring interracial marriages.

The Civil Rights Movement. Equal rights for African Americans were not gained by court decisions alone. Thousands of people across the nation risked their lives, and some died, to make sure those court decisions were enforced. The *Brown* case mobilized nationwide opposition to segregation. Initially, the focus of this opposition was the South were most black Americans lived, but the civil rights movement eventually spread to the North as well.

The civil rights movement sprang to life in 1955 when Rosa Parks, a black woman, was arrested for refusing to give up her seat on a bus to a white man in Montgomery, Alabama. Her action touched off a yearlong bus boycott by African Americans in Montgomery, led by a young minister, Martin Luther King, Jr. King soon became a national leader of the civil rights movement.

The highlight of the movement was the March on Washington in August 1963. More than 200,000 people gathered at the Lincoln Memorial to demonstrate for stronger civil rights laws. In his famous "I Have a Dream" speech, King noted that although President Lincoln had issued the Emancipation Proclamation freeing slaves 100 years earlier, African Americans still did not have equal rights under the law. "I have a dream," King said, "that my four little children will one day live in a nation where they will not be judged by the color of their skin, but the content of their character."

The March on Washington spearheaded the passage of the Civil Rights Act of 1964, which outlawed discrimination based on race in public accommodations. The act also banned discrimination based on race, religion, or sex in employment and in programs that received federal funds.

AFFIRMATIVE ACTION

Civil rights laws do nothing to remedy the effects of past discrimination. For example, a black person may be severely disadvantaged in the job market because of unequal education even though formal discrimination has been outlawed. Therefore, the federal government has enacted a policy called affirmative action, which requires those who receive federal funds to take positive steps to provide training and job opportunities for those who have traditionally been discriminated against in the past—such as blacks, other racial minorities, and women. The overall goal of affirmative action policies is to match the sexual and racial composition of the workplace and higher education with that of society as a whole.

Although it is commonly referred to as one policy or law, "affirmative action" as it is practiced today generally refers to a combination of public and private efforts designed to achieve equal opportunity for minority groups. Examples include government and government-contracted firms "setting aside" a percentage of job openings for minorities, educational institutions working toward "percentage goals" of minority representation, and private firms making deliberate efforts to hire and promote more minorities than in the past.

Some people charge that affirmative action leads to reverse discrimination because women or racial minorities are hired over white men who may be better qualified. But the Supreme Court upheld affirmative action to some extent in *Regents of the University of California v. Bakke* (1978). The university's medical school at Davis reserved a fixed number of slots for nonwhite students each year. Alan Bakke, a white man, had twice been denied admission to medical school, even though less qualified nonwhites had been admitted. Bakke charged that the university's quota system violated the Equal Protection Clause of the Fourteenth Amendment.

The Supreme Court ruled that a strict quota system, in which race was the sole factor for admission, did violate the Fourteenth Amendment. But the Court also held that the university could consider race as one

of the many factors in an admissions decision. As Justice Harry Blackmun noted: "In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some person equally, we must treat them differently. We cannot—we dare not—let the Equal Protection Clause perpetrate racial supremacy."

Since *Bakke*, the Court has issued many decisions that curtail affirmative action programs. Most of these decisions have been based on federal statutes that prohibit job discrimination, rather than the Fourteenth Amendment. Generally, the Court has held that affirmative action in employment must result from specific acts of discrimination against specific individuals, rather than a general claim that blacks and women have been discriminated against in the past.

—Excerpted in part from ***The Bill of Rights: A User's Guide***, second edition.
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After you have finished reading this historical overview, answer the following questions.

1. What do you think Justice William Brennan meant when he said the Fourteenth Amendment gave Americans "a brand new Constitution after the Civil War"?

2. What do you think the phrase "equal protection of the laws" means? How might this phrase relate to affirmative action as you understand it?

3. What was important about President Eisenhower sending U.S. Army troops to protect the black students who were about to integrate Central High School in Little Rock?

4. What do you think Dr. King meant when he said that his children should be judged by "the content of their character"?

5. Describe what Justice Blackmun meant when he said: "In order to get beyond racism, we must first take account of race. There is no other way. And in order to treat some persons equally, we must treat them differently. We cannot—we dare not—let the Equal Protection Clause perpetrate racial supremacy." Do you agree with Blackmun? Do you think Alan Bakke was a victim of reverse discrimination when he was denied admission to medical school?

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RACE AND AFFIRMATIVE ACTION: WHAT DO YOU THINK?

Read each quote carefully and circle the number that comes closest to your level of agreement.

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE
1. Racism is nothing more than the obsession with race.	1	2	3	4
2. [Racism is] . . . ignorance or hatred based upon racial characteristics.	1	2	3	4
3. I think racism has developed into an institution designed by those who happen to be in power, which happens to be white men, to oppress and discriminate against people who are in the minority . . . based on skin color.	1	2	3	4
4. Is racism pervasive? I don't think so.	1	2	3	4
5. . . . it's silly to look at white and black persons and say they are the same. They're not the same. We have different experiences in America . . . We don't live in a melting pot society.	1	2	3	4
6. To look at the world in black and white is very limited. . . . I look at the world in terms of human beings.	1	2	3	4
7. [Martin Luther King said] . . . judge the . . . content of a person's character, not the color of his skin.	1	2	3	4
8. The principle of merit selection . . . it's a myth. There's never really been a meritocracy in this country.	1	2	3	4
9. Meritocracy is very important. . . . That's what America is about. It's about competing. If you are weak in an area, strengthening yourself . . .	1	2	3	4
10. You have to base a meritocracy on an equal playing field.	1	2	3	4
11. What . . . white men are saying, . . . is don't give anybody a chance. We want all the power.	1	2	3	4
12. But as my old boss Ed Brooke used to say, "you can't have a right without a remedy." Affirmative action has been the remedy for violation of . . . civil rights laws.	1	2	3	4

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE
13. It's really a shame for the black community to acknowledge its impotence that somehow we cannot achieve unless white people provide some special dispensation to us. That's a terrible indictment of our own abilities and skills.	1	2	3	4
14. Affirmative action has been good for America.	1	2	3	4
15. Affirmative action has led to white racism because they tend to look upon their African-American colleagues at a lower level because many got in at a lower grade level . . . [this] leads to feeling of white superiority . . .	1	2	3	4
16. If we're going to survive as a country . . . we have to make sure there is equal opportunity for women and minorities.	1	2	3	4
17. How can you set goals and not have quotas?	1	2	3	4
18. The laws that were passed back in the '60s and the Supreme Court decisions allow us to fight discrimination without resorting to discrimination.	1	2	3	4
19. Affirmative action should not be limited to poor people. Affirmative action is about expanding opportunity for people who have been excluded.	1	2	3	4
20. Why are we (African Americans) overrepresented in basketball and football and underrepresented in computer labs and libraries? Our young men practice basketball . . . they don't demand entry standards be lowered. . . . [Their actions] elevate the standards. If we were to take that same energy and invest it in math and physics, then that stereotype would begin to apply to us. Oh, there's a black in the math lab; I know he or [she is] . . . going to perform well.	1	2	3	4

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BIOGRAPHIES AND OPINIONS

The video, *Exploring Race and Affirmative Action*, features four young panel members and four experts with opinions about the subjects expressed in the title. Begin by reading each biography and then guessing that person's position on questions concerning racism and affirmative action. Later on, as you view the video, you will find out how accurate your guesses were. Listen for what they have to say about affirmative action.

THE PANEL

YES NO

BOB ADAMS

Bob is a policy analyst at the National Center for Public Policy Research in Washington, D.C. A veteran of the U.S. Navy, Bob graduated from Towson State University in Maryland. He is white.

Bob favors continuing affirmative action programs. ❑ ❑

Bob believes that people should be hired on the basis of merit. ❑ ❑

NIKKI HORBERG

Nikki is a graduate of Brandeis University and currently works as a policy analyst for the Religious Action Center in Washington, D.C. Nikki is white and a member of a religious minority.

Nikki favors continuing affirmative action programs. ❑ ❑

Nikki believes that people should be hired on the basis of merit. ❑ ❑

KEVIN PRITCHETT

Kevin is a graduate of Dartmouth University, where he gained some fame as the editor of *The Dartmouth Review*. He now works as a legislative assistant to Senator Trent Lott (R-Miss.). Kevin is an African American.

Kevin favors continuing affirmative action programs. ❑ ❑

Kevin believes that racism is a serious problem in the United States. ❑ ❑

JAMAL WATSON

Jamal is a sophomore at Georgetown University, where he is the president of the Black Student Union. He is an African American.

Jamal favors continuing affirmative action programs. ❑ ❑

Jamal believes that he has been a victim of racism. ❑ ❑

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THE EXPERTS

	YES	NO

CECELIE COUNTS BLAKEY

Ms. Blakey is the former legislative liaison for the National Association for the Advancement of Colored People. She is a graduate of Howard University and the Harvard Law School. Ms. Blakey is an African American.

Ms. Blakey believes that affirmative action programs should be continued.	❑	❑
Ms. Blakey believes that women and minorities deserve affirmative action because of past discrimination.	❑	❑

RALPH NEAS

Mr. Neas is an attorney, currently teaching law at Georgetown Law School, and is the former executive director of the Leadership Conference on Civil Rights. Neas was once the chief legislative assistant for Senator Edward Brooke (R-Mass.) and for Senator Dave Durenberger (R-Minn.). Mr. Neas is white.

Mr. Neas believes that affirmative action programs should be continued.	❑	❑
Mr. Neas believes that affirmative action is a needed remedy for violation of civil rights laws.	❑	❑

ROBERT NOVAK

Mr. Novak is a syndicated newspaper columnist who is often seen as a political panelist on television shows like *The Capital Gang* and *Crossfire*. His columns and comments often reflect the conservative views of former Presidents Reagan and Bush. Mr. Novak is white.

Mr. Novak believes that affirmative actions programs should be continued.	❑	❑
Mr. Novak believes that affirmative action leads to reverse discrimination.	❑	❑

ROBERT WOODSON

Mr. Woodson is the president of the National Center for Neighborhood Enterprise, a nonpartisan organization he established to help empower low-income Americans. He was a civil rights activist in the 1960s and directed the National Urban League's administration of justice division. Mr. Woodson is an African American.

Mr. Woodson believes that affirmative action programs should be continued.	❑	❑
Mr. Woodson believes that low-income women and minorities have benefited most from affirmative action.	❑	❑

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TWO VIEWS ON AFFIRMATIVE ACTION

The following editorials were printed in *USA Today* on January 16, 1995. The first was written by the editorial staff of *USA Today*; the second by Armstrong Williams, a Washington business executive and host of a nationally syndicated radio talk show. Williams is the author of a book, *The Conscience of a Black Conservative*.

KEEP KING'S DREAM ALIVE

What happens to a dream deferred? Does it dry up like a raisin in the sun?

This agonizing line from poet Langston Hughes speaks to the fears of many as attacks on affirmative action threaten Dr. Martin Luther King, Jr.'s dream of an equitable society.

The King movement pushed the fight to end bias from the streets to statehouses, courts, and Congress. Those institutions now face a backlash against affirmative action, a proven-but-controversial tool for creating equal opportunity and integration.

In California . . . an antiaffirmative action measure is speeding toward the 1996 ballot.

In the courts, potential precedent-setting affirmative action challenges are moving forward . . .

And in Congress, with Republicans now in charge, affirmative action faces a less certain future.

The backlash bandwagon is rolling. But before jumping on, look at all that affirmative action has helped create. Blacks in professional or managerial jobs rose from 10 percent to 16.8 percent between 1970 and 1992, contributing to an expanded black middle class. Women and minorities have desegregated most police and fire departments, and many colleges take pride in their affirmative action programs. . . .

Affirmative action . . . simply means providing opportunity—jobs and promotions—for members of groups that historically were discriminated against. Done right, it is not reverse discrimination. And, in fact, plans that provide unfair benefit don't last long.

For example, when Richmond, Va., thoughtlessly adopted federal language for a set-aside program, including Eskimos and Aleuts among the beneficiaries, the Supreme Court tossed out the plan. The court said programs must be carefully tailored to redress specific past discrimination, and not veer widely from the mark.

Similarly, while the court has allowed affirmative action for hiring and promotion, it frowns on plans that take someone's job away because of race.

The day will come when affirmative action is no longer needed. But not yet.

Minorities and women still are at the bottom of the ladder compared to white men. White women earn 70 percent of each dollar a white man earns in a similar job; black men, 72 percent; Hispanic men, 65 percent. College-educated women still earn $12,000 less yearly than college-educated white men.

Affirmative action has made useful gains. Abandoning it would defer King's dream and deny the hopes of millions.

[redacted] END THIS NEW DISCRIMINATION

In California . . . momentum is gathering to place a proposition on the 1996 state ballot to abolish affirmative action. Expect great wailing and gnashing of teeth among self-anointed members of the "civil rights community" whose ideas about race relations never get beyond government social engineering.

We will hear that the proposition is racist, that it will hurt minorities, that it "turns the clock back."

True, it will be painful, but it is time for affirmative action to end. To remove a cancer, the surgeon's healing begins with the blade.

Some will try to argue for some kind of middle ground or modification. That is like taking out half the cancerous tissue.

We need to make a clean break with affirmative action and quotas.

Affirmative action had merit as a temporary leg up, to help overcome a history of bigotry and discrimination against blacks, other minorities, and women. As a permanent set-aside system, however, it is just a different shade of Jim Crow.

Most people who consider themselves victims, and moan longest and loudest against discrimination, somehow favor the legal, systematic discrimination inherent in affirmative action policies. How can anyone claim to be against racism or sexism while favoring race-based hiring or advancement policies or gender-normed workplace quotas?

Maybe racial biases are just more palatable when they are in one's own favor. Affirmative action is contrary to all the rhetoric about equality its proponents adore.

One thing affirmative action as permanent public policy does affirm is the stereotype that ethnic and racial minorities can't compete on an equal playing field with other Americans. It undermines the earned successes of hard-working ethnic minorities or women, while its presumptions offer a ready excuse for those who do not wish to earn their way through effort. Its overall effect is to hurt the "groups" it is designed to aid.

It helps some in the short run through unjustly hurting others. That inherent unjustness, in turn, aggravates already tense race relationships. Worst of all, affirmative action subverts the only really functional and morally acceptable criterion for judging anything or anyone—merit.

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DISCRIMINATION CASE RULINGS: RIGHT OR WRONG?

Read each of the following hypothetical cases. Place a **R** in the blank if you think the ruling was right and a **W** if you think it was wrong. Be ready to explain why you believe as you do.

_____ 1. When an opening developed in a large corporation for a high-paying job, a less qualified white female employee got the promotion over a more qualified Hispanic man. In getting the promotion, the woman became the highest-ranking woman in the company. The Hispanic man sued the company demanding that he be given the job because he was more qualified. The white female employee countered by saying that if demoted, she would have to go back to a job that paid considerably less.

The court ruled in favor the Hispanic man.

_____ 2. An African-American man was unable to get a promotion because he did not have the training necessary for the higher-level job. The reason for his lack of training was that his company discriminated against African Americans in its training programs years ago. He sued, demanding a promotion along with the special training needed for him to succeed in the higher-level job.

The court said he did not deserve the job because the company's job training program no longer discriminates. But the court also ruled that the company now had to train him and promote him the next time an appropriate job came along.

_____ 3. A woman employed in manufacturing was unable to get a promotion in Company A because she lacked the training necessary for a higher-level job. However, she lacked training because she had been discriminated against by her previous employer—Company B. She sued Company B, demanding monetary compensation.

The court ruled against Company B and gave the woman the money.

_____ 4. An African-American man working in industry was unable to get a promotion because his poor education made him less qualified than a white male applicant. His poor education was the result of attending inferior, segregated schools in the South during the 1950s. He went to court, claiming that federal affirmative action guidelines entitled him to the promotion. His company argued that even though they would like to promote him, he simply was not qualified to do the job.

The court, citing federal guidelines, forced the company to give the man the promotion and training necessary to qualify him for the job.

_____ 5. A Mexican-American woman, who recently became a citizen of the United States, was denied a promotion because her poor education made her less qualified than a white female applicant. Her poor education was the result of growing up in a nonsupportive environment in Mexico where her family had little money, her father abandoned the family at an early age, and she was never encouraged to excel in school. She went to court seeking the promotion under federal affirmative action guidelines, but her company argued that although they like to promote minorities, this woman simply did not have the skills to do the job.

The court agreed with the company, saying that the wrongs done to her did not take place in the United States, but rather in Mexico when she was a child. The court also said that now that she is a citizen of the United States, she has an excellent opportunity to improve her skills and make herself more employable.

_____ 6. An African-American woman's application to a highly competitive medical school was rejected because other applicants had higher scores on their entrance exams. Her father—a doctor—had sent her to a private high school and the state university. She did well in college, but could not quite score high enough to gain entry into the medical school she desired. She sued the medical school for entry under affirmative action guidelines.

The school admitted her over several higher-scoring white males.

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